

**STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

Boundary Commission
Docket #97-AP-3

The annexation of
territory in **Williamstown Township**
to the **City of Williamston**

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed annexation of the following territory in Williamstown Township to the City of Williamston which is described as follows:

A parcel of land in the East 1/2 of section 34 T4N, R1E, Williamstown Township, Ingham County, Michigan, described as: Commencing at the Southeast corner of said Section 34; thence N04°48'54"W 569.36 feet along the East line of said Section 34 to the North line of Grand River Highway (M-43); thence Northwesterly 397.81 feet along the North line of said Highway on a curve concave to the Northeast, said curve having a radius of 2242.01 feet, a central angle of 10°09'58" and a long chord of 397.29 feet bearing N69°40'58"W; thence N64°35'59"W 344.31 feet along the North line of said Highway to the Point of Beginning of this description; thence continuing N64°35'59"W 765.70 feet along said North line to a point on the West line of the East 1/2 of the Southeast 1/4 of said Section 34; thence N04°29'24"W 1421.39 feet along said West line (being the east line of Sluyter Subdivision, as recorded in Liber 15 of Plats, Page 19, Ingham County Records) to a point on the E-W 1/4 line of said Section 34; thence N04°25'17"W 1320.69 feet along the West line of the East 1/2 of the Northeast 1/4 of said Section 34 to the North line of the South 1/2 of the Northeast 1/4 of said Section; thence N89°28'41"E 679.17 feet along said North line to the West line of Riverwood Condominiums, recorded in Liber 1997, Page 1054, and Liber 2053, Page 797, Ingham County Records; thence S04°12'20"E 3076.70 feet along said West line of Riverwood Condominiums and the existing Williamston City Limits to the point of beginning; containing 44.86 acres more or less.

This matter came before State Boundary Commissioners VerBurg, Rutledge and Walker and Ingham County Commissioner Williams for final adjudication in Lansing on **February 12, 1998**. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A. On **February 3, 1997** Cloyce and Judith O'Dell and North Green I and North Green II, property owners, filed a petition asking for the annexation of 44.86 acres in Williamstown Township to the City of Williamston.
- B. On **February 27, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On **April 10, 1997**, the Commission held a public hearing in the City of Williamston to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On **October 30, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing and voted to have a supplemental public hearing.
- E. On **December 11, 1997**, the State Boundary Commission held a supplemental public hearing in Lansing.
- F. On **February 12, 1998** the State Boundary Commission held an adjudicative meeting in Lansing and voted to recommend annexation.

INFORMATION TO BE NOTICED

The Petitioners testified:

1. Public water and sewer is essential to development of the proposed subdivision because it utilizes small lot plans and the resulting density requires these services. A lower density alternative development is not economically feasible because of the high fixed cost of land.
2. One of the Petitioners, Mr. Cloyce O'dell, testified that he needs to sell the property for financial reasons but has been unable to find a buyer willing to remain in the Township.
3. The Williamston area has a strong demand for additional affordable single family housing.
4. The Township has no public water service.

5. The cost of developing a private water supply for the proposed development is prohibitive.
6. The Township does not have the capacity to provide public sanitary sewer service through its agreement with the City even if current litigation were settled in the Township's favor and even if the proposed development were changed to a low density development.
7. Without public water to the parcel, the ability to fight fires would be diminished. Also, fire insurance rates would be higher for those living on the parcel without public water.
8. The City would provide substantially better police services to the proposed development than are available through the Township.
9. Roads to be built in the proposed development should not be an issue because any road construction is required to meet state and local standards.

Representatives of the City testified:

1. The City Council adopted a resolution in support of the proposed annexation.
2. The proposed development is consistent with both the City's 1994 Comprehensive Plan and the Township's 1992 Master Plan.
3. The City water and sewer systems have the capacity and the availability to provide immediate service to the area proposed for annexation.
4. The Township does not have adequate sewer capacity to serve the proposed development and the Township has no public water.
5. If this annexation were approved, the financial impact to the Township would be minimal.

Representatives of the Township testified:

1. The Township Board strongly opposes the proposed annexation.
2. The land proposed for annexation involves a significant portion of the Township that has been included in the Township's plans for future development while the City has substantial vacant properties capable of subdivision and commercial expansion.

3. The Township's ordinances provide incentives for housing in all price categories including affordable housing in the price range of the proposed development.
4. Public water is not necessary to serve the area proposed for annexation. Water is available to this parcel through individual wells that is safe, acceptable, and would not cost any more than tapping into the City's system.
5. The Township has available capacity to provide adequate sewer service to the area proposed for annexation at its reasonable development potential.
6. The petition presents a serious public safety concern related to the ability of emergency vehicles to use the roads as proposed.
7. The Township's fire protection service with 3,300 gallons of tanker capacity and mutual aid agreements with surrounding municipalities is adequate. The Township asserted that hydrants in the adjacent subdivision would be available to fight fires.
8. Fire insurance rates for the proposed subdivision would remain the same if the proposed subdivision were in the City or in the Township.
9. Township police protection provided by the county sheriff and mutual aid agreements is adequate.
10. This is a zoning dispute, not a boundary dispute.
11. The Township would lose sewer tap fees amounting to \$70,000.00 and property taxes amounting to \$8,500.00 if annexation were approved; annexation impairs commercial development of the Township's four corner area at the intersection of Grand River Avenue and Zimmer Road.

THE COMMISSION FINDS THAT

1. The City and the Township agree that the property proposed for annexation is ripe for development.
2. The Petitioners want their property annexed to the City.
3. The proposed urban development of this parcel would be better served by public water and sewer.

4. Public water is not available for the proposed urban development through the Township and the availability of sanitary sewer service in the Township is in dispute.
5. Annexation of this property into the City would not significantly harm the balance of the Township.
6. The proposed development is consistent with other development in the City.
7. The ability to fight fires is better where public water is available than where water must be transported by tankers to the site of a fire.

Commissioner Williams offered the following comments in dissent:

1. The Petitioners have not sufficiently documented that they exhausted all possible alternatives with the Township. The parties should be encouraged to meet and resolve their differences.

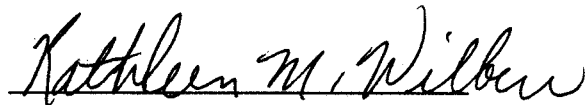
IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the information contained in the record of this docket in terms of the matters to be considered as stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. **On February 12, 1998** the State Boundary Commission held an adjudicative meeting in Lansing to reach a decision based on the information received. State Commissioners VerBurg and Walker and Rutledge voted to recommend annexation and Ingham County Boundary Commissioner Williams voted against recommending annexation.
3. **On March 5, 1998** at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, Walker and Rutledge voted to approve the Draft Summary of Proceedings, Findings of Fact and Order, as amended, and to recommend that the Director of the Department of Consumer and Industry Services sign the Order.

ORDER
DOCKET #97-AP-3

IT IS ORDERED THAT this order **approving** the petition for annexation of certain territory in Williamstown Township into the Home Rule City of Williamston shall be final and effective on **the date signed by the Director of the Department of Consumer & Industry Services.**

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith transmit a certified copy of these Findings of Fact and Order to the petitioner and to the clerks of the City of Williamston, Williamstown Township, and Ingham County.



Kathleen M. Wilbur, Director
Michigan Department of Consumer & Industry Services


Date